MYSORE ACT No. II OF 1944.

THE ALIENATED VILLAGES PURCHASE ACT, 1944.

(Received the assent of His Highness the Maharaja on the 10th day of January 1944.)

WHEREAS it is necessary and expedient to provide for the purchase by the Government of alienated villages and for matters incidental or ancillary thereto ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Alienated Villages Purchase Act, 1944.

(2) It extends to [1][the whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "Deputy Commissioner" means the Deputy Commissioner of a Revenue District and includes the Assistant Commissioner in charge of a Revenue Sub-Division and any officer specially appointed by the Government to perform the functions of a Deputy Commissioner under this Act ;

(*b*) "Person interested" includes all persons claiming a proprietary interest in an alienated village or an interest in the price to be paid for its purchase by the Government under this Act ;

(*c*) "Prescribed" means prescribed by rules made by the Government under this Act ;

and expressions used in this Act but not defined herein shall have the same meaning as in the Mysore Land Revenue Code, 1888.

Publication of the offer.

3. Whenever any proprietor of an alienated village or, where more persons than one are proprietors, any of them offers to sell the village to the Government and the

1. See the Mysore Adaptation of Laws Order, 1953.

Government is prepared to consider the offer, a notification of the offer shall be published by the Government in the official Gazette.

Notice to persons interested.

4. (1) The Deputy Commissioner of the District within which the village is situate shall thereupon—

(*a*) publish copies of the said notification at convenient places in, and in the vicinity of the village;

(*b*) cause public notice to be given at convenient places in, or near, the village requiring that claims of all persons interested shall be made to him together with the nature and particulars of such claims in person or by agent at a time and place therein mentioned, such time not being earlier than 15 days from the date of publication of the notice; and

(*c*) serve notice to the same effect on all such persons known or believed to be interested in the village or to be entitled to act for persons so interested, as reside, or have agents authorised to receive service on their behalf within the district in which the village is situate.

(2) In cases where any person so interested resides elsewhere and has no such Agent, the notice shall be sent to his last known residence, address or place of business by registered post.

Power to require statement.

5. The Deputy Commissioner may also require any person interested in the village to make or deliver to him at a time and place mentioned (such time not being earlier than fifteen days from the date of the service of the requisition) a statement containing so far as may be practicable and known to him, the name of every person possessing any interest in the village and of the nature of such interest and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Enquiry into the claims.

6. On the day specified in the notice under section 4, or on any other day to which the enquiry may be adjourned, the Deputy Commissioner shall enquire into the claims of all persons interested in the village.

Determination of price.

7. When, on the basis of the enquiry under section 6, the Deputy Commissioner finds that the proprietor or proprietors are willing to sell the village, he shall determine the price that may be paid for the village, the person or persons interested in the village, the particulars of their respective interests and the amount that should be paid to each of them. He shall thereafter make a report to the Government of his findings.

Payment of price.

8. (1) The Deputy Commissioner shall determine the price of the village in such manner and having regard to such matters, as may be prescribed by the Government.

(2) The price to be paid by the Government for the purchase of an alienated village may be by payment in money or in such other form as may be agreed upon.

Order of the Government directing purchase.

9. The Government may on receipt of the report under section 7, pass an order directing the purchase of the village at the price determined under section 7 and accepted by the seller or at any other price as may be agreed upon.

Village to vest absolutely in Government.

10. After the passing of an order under section 9 and due publication thereof in the official Gazette,—

(*a*) the alienated village shall vest absolutely in the Government free from all encumbrances and shall for purposes of the Mysore Land Revenue Code, 1888, and any other law for the time being in force and relevant thereto, cease to be an alienated village ; and

(*b*) all persons interested shall be entitled to payment of the amounts due to them in such proportion as may be determined by the Government.

Jurisdiction of Civil Courts.

11. (1) Subject to the exception hereinafter appearing, no Civil Court shall exercise jurisdiction in respect of any matter arising out of the proceedings under this Act.

(2) Nothing in the preceding sub-section shall be held to prevent a Civil Court from entertaining suits between private parties for the purpose of adjudication of any disputes relating to their private rights.

Application of the Code of Civil Procedure, 1911.

12. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of

Civil Procedure, 1911, shall apply to all proceedings under this Act.

Power to make rules.

13. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner of determining and the matters to be considered in determining the price to be paid for an alienated village under sections 7, 8 and 9 ; and

(*b*) the manner in which such price shall be paid to the persons interested.